IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10496 of 2005

Between:

Siddhartha Degree College, Shivajinagar Colony,

Allampally Road, Vikarabad,
Ranga Reddy Dist. rep.by its Correspondent,

L.T.Senthil Kumar, S/o.L.Tamil Arasan R/o.Vikarabad.

.... PETITIONER

AND

A.P.State Council for Higher Education,

Saifabad, Hyderabad, rep.by its Secretary.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the notification dt.24-11-2004 issued by respondent, which was published in Telugu newspapers on
25-11-2004, as illegal, arbitrary, and contrary to the provisions of A.P. Education Act; Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner :Mr.N.SRIDHAR REDDY

Counsel for the Respondent: MR.C.SUDESH ANAND(SC FOR APSCHE)

The Court at the stage of admission made the following :

ORDER:

The petitioners seek a declaration that the notification dated 24-11-2004 issued by the respondent is arbitrary, illegal and contrary to the provisions of the A.P.Education Act.

The petitioner institution is the recognized Degree College being run at Vikarabad in Ranga Reddy District. This Writ Petition is filed aggrieved by the notification, dated 24-11-2004, issued by the respondent under which applications are invited from the Registered Educational Societies/Colleges for starting new Private Unaided Degree colleges during the academic year 2005-2006. The petitioner states that the colleges already established at Vikarabad are catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29, Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the respondent, while issuing the impugned notification, failed to consider the above said aspects and therefore a detailed representation dated 18-04-2005, was made stating that granting permission for establishment of new colleges in Vikarabad would result in unhealthy competition among the institutions. However the respondent failed to consider the representation of the petitioner and has been taking further steps in pursuance of the impugned notification. Hence the writ petition.

Since the detailed representation made by the petitioner raising objections against the establishment of new institutions at Vikarabad, in pursuance of the impugned notification is pending before the respondent, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondent to consider the said representation of the petitioner, which was received by the respondent on 26-4-2005, before taking any decision for grant of permission to new colleges.

Accordingly, the writ petition is disposed of with a direction to the respondent to consider the objections raised by the petitioner in his representation dated 18-4-2005 before taking any decision for grant of permission to new colleges in Vikarabad on the basis of the impugned notification dated 24-11-2004.

The writ petition is accordingly disposed of. No costs.

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G. ROHINI. J.

Dated: 29..04..2005

Note: Copy within three days.

(B/O)

rns

To

1. The Secretary,

A.P.State Council for Higher Education,

Saifabad, Hyderabad.

2. Two CD copies

3. One CC to MR.SRIDHAR REDDY